

CHAPTER NO. 863

HOUSE BILL NO. 3006

By Representatives Westmoreland, Hargett, Godsey, Stulce, Brenda Turner, Mumpower, Sargent, Kent, Ralph Cole, Pinion, McDonald, Todd, Roach, Montgomery, Sharp, Hagood, Pleasant, David Davis, Mr. Speaker Naifeh

Substituted for: Senate Bill No. 3078

By Senators Haun, Person

AN ACT to amend Tennessee Code Annotated, Section 55-10-403 and Section 55-50-502 relative to the issuance of restricted licenses subsequent to DUI convictions

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-403(d) is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(d)(1)(A) Except as provided in subdivision (d)(2), if a person's motor vehicle operator's license has been revoked pursuant to subsection (a), such person may apply to the trial judge for a restricted driver license. The trial judge may order the issuance of a restricted motor vehicle operator's license in accordance with § 55-50-502, if based upon the records of the Department of Safety,

(i) The violation resulting in the person's present conviction for driving under the influence of an intoxicant occurred on or after July 1, 2000; and

(ii) The person does not have a prior conviction for a violation of § 55-10-401, § 39-13-213(a)(2), § 39-13-218, § 39-13-106, or § 55-10-418, in this state or a similar offense in any other jurisdiction.

The trial judge may issue such order allowing the person so convicted to operate a motor vehicle for the limited purposes of going to and from:

(i) And working at such person's regular place of employment;

(ii) A court-ordered alcohol safety program;

(iii) A college or university in the case of a student enrolled full time in such college or university; and

(iv) A scheduled interlock monitoring appointment.

(B) A Tennessee resident, whose operator's license has been revoked because of a conviction in another jurisdiction for operating a motor vehicle while under the influence of an intoxicant may apply for a restricted license to a judge of any court of the county of such person's residence having jurisdiction to try charges for driving under the influence of an intoxicant. The trial judge may order the issuance of a restricted motor vehicle operator's license in accordance with § 55-50-502(c), if based upon the records of the Department of Safety:

(i) The violation resulting in the person's present conviction for driving under the influence of an intoxicant occurred on or after July 1, 2000; and

(ii) The person does not have a prior conviction for a violation of § 55-10-401, § 39-13-213(a)(2), § 39-13-218, § 39-13-106, or § 55-10-418 in this state, or a similar offense in any other jurisdiction.

If a copy of the judgment of conviction certified by the court that tried the case in the other jurisdiction accompanies the application, the trial may issue such order allowing the person so convicted to operate a motor vehicle for the limited purposes of going to and from:

(i) And working at such person's regular place of employment;

(ii) A court-ordered alcohol safety program;

(iii) A college or university in the case of a student enrolled full time in such college or university; and

(iv) A scheduled interlock monitoring appointment.

(C) Such order shall state with all practicable specificity the necessary time and places of permissible operation of a motor vehicle and shall be made a part of the order or judgment of the court. The order may be presented within ten (10) days after the date of conviction to the Department of Safety, accompanied by a fee of sixty-five dollars (\$65.00). If the person has first successfully completed a driver's license examination, the department shall forthwith issue a restricted license embodying the limitations imposed upon the person so convicted.

(D) If the violation resulting in the person's conviction for D.U.I. occurred prior to July 1, 2000 the law in effect when such violation occurred shall govern the person's eligibility for a restricted motor vehicle operator license.

SECTION 2. Tennessee Code Annotated, Section 55-10-403(d)(3) is amended by deleting the subdivision in its entirety and by substituting instead the following:

(d)(3) Any person whose motor vehicle operator's license has been revoked pursuant to subsection (a), and such person has a prior conviction for a violation of § 55-10-401, § 39-13-213(a)(2), § 39-13-218, § 39-13-106, or § 55-10-418 in this State, or a similar offense in any other jurisdiction, shall not be eligible for, nor shall the court have the authority to grant or order, the issuance of a restricted motor vehicle operator's license.

SECTION 3. Tennessee Code Annotated, § 55-50-502(c)(3) amended by deleting the third sentence in its entirety and by substituting instead the following language:

The judge may order the issuance of a restricted license, if based upon the records of the Department of Safety:

(i) The violation resulting in the person's present conviction for driving under the influence of an intoxicant occurred on or after July 1, 2000; and

(ii) The person does not have a prior conviction for a violation of § 55-10-401, § 39-13-213(a)(2), § 39-13-218, §39-13-106, or § 55-10-418 in this state, or a similar offense in any other jurisdiction.

The trial judge may issue such order allowing the person so convicted to operate a motor vehicle for the limited purposes of going to and from:

- (i) And working at such person's regular place of employment;
- (ii) A court-ordered alcohol safety program;
- (iii) A college or university in the case of a student enrolled full time in such college or university; and
- (iv) A scheduled interlock monitoring appointment.

If the violation resulting in the person's conviction for D.U.I. occurred prior to July 1, 2000, the law in effect when such violation occurred, shall govern the person's eligibility for a restricted motor vehicle operator license.

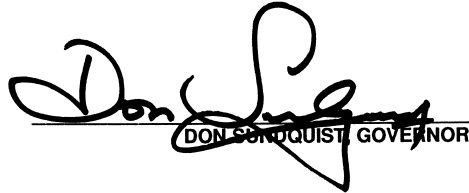
SECTION 4. This act shall take effect July 1, 2000, the public welfare requiring it.

PASSED: May 25, 2000


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 31st day of May 2000


DON SUNDQUIST, GOVERNOR